

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Root, Inc., *et al.*,

Plaintiffs,

v.

Brinson Caleb Silver, *et al.*,

Defendants.

Case No. 2:23-cv-00512

Judge Sarah D. Morrison

JOINT MOTION FOR PARTIAL DISMISSAL WITH PREJUDICE

Pursuant to Rules 21 and 41(a)(2)¹ of the Federal Rules of Civil Procedure, Plaintiffs Caret Holdings, Inc.; Root Insurance Agency, LLC; and Root Inc. (collectively, “Root”) and Defendants Quantasy, LLC; Quantasy & Associates LLC; and William Campbell (collectively, the “Quantasy Defendants”) have settled their dispute and hereby jointly move this Court for an Order:

1. Dismissing with prejudice Root’s Second Amended Complaint against the Quantasy Defendants;
2. Dismissing with prejudice Quantasy Defendants’ Counterclaims against Root; and
3. Each party to bear its own costs.

¹ Because this motion is not signed on behalf of “all parties who have appeared” in the action, Fed. R. Civ. P. 41(a)(1)(A)(ii), and because some of those parties are no longer represented by counsel and cannot stipulate to any dismissal without a new appearance of counsel, Root and the Quantasy Defendants bring this joint motion for dismissal under Rules 21 and 41(a)(2). *See Anderson-Tully Co. v. Fed. Ins. Co.*, 347 F. App’x 171, (6th Cir. 2009) (noting that a stipulated dismissal under Rule 41(a)(1)(A)(ii) requires a stipulation from all parties who have ever appeared in an action, even if those parties have been dismissed, and inviting dismissal under Rule 41(a)(2) where the stipulation of “all parties” cannot be obtained).

Pursuant to Rule 41(a)(1)(A)(i), the Quantasy Defendants hereby give notice that its crossclaims against Brinson Caleb Silver are hereby dismissed with prejudice, each party to bear its own costs. A proposed order is attached hereto.

Respectfully submitted,

/s/ William D. Kloss, Jr.

William D. Kloss, Jr. (0040854)
Trial Attorney
Elizabeth S. Alexander (0096401)
Grace E. Saalman (0101603)
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
PO Box 1008
Columbus, Ohio 43216-1008
Tel: 614-464-6360
Fax: 614-719-4807
wdklossjr@vorys.com
esalexander@vorys.com
gesaalman@vorys.com

Matthew L. Kutcher (Admitted Pro Hac Vice)
Cooley LLP
110 N. Wacker Drive, Suite 4200
Chicago, IL 60606
Tel: 312.881.6500
Fax: 312.881.6598
mkutcher@cooley.com
Kristine A. Forderer (Admitted Pro Hac Vice)
Cooley LLP
3 Embarcadero Center
San Francisco, CA 94111
Tel: 415.693.2128
kforderer@cooley.com
Attorneys for Plaintiffs

/s/ Matthew D. Ridings (via email authority)

Matthew D. Ridings (0079402)
Trial Attorney
Benesch, Friedlander, Coplan & Aronoff LLP
4900 Key Center
127 Public Square
Cleveland, Ohio 44114
Tel: 216-363-4512
mridings@beneschlaw.com

Joan E. Meyer (Admitted pro hac vice)
Thompson Hine LLP
1919 M. Street, NW, Suite 700
Washington, D.C. 20036
202-331-8800
Joan.Meyer@ThompsonHine.com

Joshua H. Epstein (Admitted pro hac vice)
Eva M. Jimenez (Admitted pro hac vice)
Davis+Gilbert LLP
1675 Broadway
New York, NY 10019
Tel: 212-468-4869
Jepstein@dglaw.com
ejimenez@dglaw.com
Attorneys for Defendants
Quantasy, LLC, Quantasy & Associates LLC, and
William Campbell

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Joint Motion for Dismissal with Prejudice was filed electronically on December 11, 2024. Notice of this filing will be sent by operation of the Court's electronic filing system.

A copy was also sent by ordinary U.S. Mail, postage prepaid, on December 11, 2024 to the following non-represented parties:

Brinson Caleb Silver
Butler County Jail
Attn: Brinson Caleb Silver, Inmate No. 303850
705 Hanover Street Hamilton, Ohio 45011

Collateral Damage, LLC
45 South Arroyo Parkway
Pasadena, CA 91105

Eclipse Home Design, LLC
651 N. Broad Street Suite 201
Middletown, Delaware 19709

/s/Elizabeth S. Alexander
Elizabeth S. Alexander (0096401)

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Case No. 2:23-cv-00512

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[PROPOSED] ORDER ON MOTION FOR PARTIAL DISMISSAL WITH PREJUDICE

This matter is before the Court on the Joint Motion for Partial Dismissal with Prejudice submitted by Plaintiffs Caret Holdings, Inc.; Root Insurance Agency, LLC; and Root Inc. (collectively, “Root”) and Defendants Quantasy, LLC; Quantasy & Associates LLC; and William Campbell (collectively, the “Quantasy Defendants”). For good cause, the Motion is Granted and the Court orders as follows:

1. Root’s Second Amended Complaint against the Quantasy Defendants is dismissed with prejudice;
2. Quantasy Defendants’ Counterclaim against Root is dismissed with prejudice;
3. Quantasy Defendants’ crossclaims against Brinson Caleb Silver are dismissed with prejudice; and
4. Each party will bear its own costs.

IT IS SO ORDERED.

Date:

**SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE**